

**See Court's Memo Endorsement below**

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June 7, 2023

LON PAUL FISCHMAN  
DOREEN J. FISCHMAN

Honorable Jennifer H. Rearden, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: MARIO J. REYES, v. YANKEE PIZZA  
RESTAURANT INC., DAVID 647 LLC, et al  
Case No.: 1:22-cv-07551-JPC

Dear Judge Jennifer H. Rearden, U.S.D.J.,

The undersigned represents Defendant YANKEE PIZZA RESTAURANT INC., DAVID 647 LLC, and 647 EAST 11 RICATTO LLC (hereinafter referred to collectively as the "Defendants") in the above-captioned matter, and is hereby respectfully requesting an adjournment of the telephonic conference scheduled for June 9, 2023 at 8:30 a.m. for the reason that one of the Defendant's time to answer has been extended through July 14, 2023 and more importantly the parties have commenced settlement discussions and are optimistic of resolving this matter. There has been no previous request for this adjournment of the conference. My adversary B. Bradley Weitz, Esq. consents and joins in this request to continue settlement negotiations. I am also dealing with some health issues and the adjournment will make it possible to continue settlement negotiations.

The instant request does not affect any other scheduled date(s).

Thank you for your courtesy and consideration of this request.

Application DENIED. The initial pretrial conference will take place, as scheduled, at 8:30 a.m. tomorrow (Friday, June 9, 2023) by telephone.

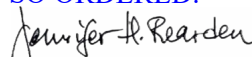
Very truly yours

Please note that the parties have erroneously submitted a proposed Case Management Plan and Scheduling Order (*see* ECF No. 38-1) using Judge Vyskocil's, not this Court's, template. By **9:00 p.m. this evening**, the parties shall re-submit their Proposed Case Management Plan and Scheduling Order using this Court's template, which is available at <https://nysd.uscourts.gov/hon-jennifer-h-rearden>, along with a joint letter correctly addressed to this Court, *see* ECF No. 38.

Fischman & Fischman  
By: /s/ Doreen J. Fischman (2362)  
ATTORNEYS FOR ALL  
DEFENDANTS  
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The Clerk of Court is directed to terminate ECF No. 39.

SO ORDERED.

  
Jennifer H. Rearden, June 8, 2023